

U.S. Patent Application Serial No. **10/541,469**

Amendment filed October 19, 2010

Reply to OA dated June 21, 2010

REMARKS

Claims 1-5 and 8-12 are pending in this application, with claims 8-10 withdrawn from consideration. Claims 13 and 14 are newly added herein. Upon entry of this amendment, claims 1-5 and 8-14 will be pending, with claims 8-10 withdrawn from consideration. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is discussed below.

Claims 1, 2, 4-5 and 11-12 are rejected under 35 U.S.C. §102(b) as being anticipated by Ogawa et al. (U.S. Pat. No.: 5,846,210). (Office action paragraph no. 4)

The rejection of claims 1, 2, 4-5 and 11-12 is respectfully traversed, and reconsideration is requested. In traversing the rejection, Applicant argues that Ogawa does not disclose all of the elements recited in the present claims.

In paragraph no. 4 of the Office action, he Examiner cites the elements in Ogawa '210 as follows:

<u>Claim 1</u>	<u>Ogawa '210</u>
coil main body	implanted device 16
stretch suppressing member	joint member 15
space between adjacent wire turns	space indicated by L

The Examiner states that the stretch suppressing member is made of polyvinyl alcohol polymer, which is water-swellable. The Examiner states that joint member 15 (stretch suppressing

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member) has a rod like shape and passes through the coil main body, and the diameter of the stretch suppressing member is smaller than the inner diameter of the coil main body by 1 to 50% in the dry state.

However, Applicant notes that the “coil separating member,” which is recited in claim 1, line 2, is not mentioned in paragraph no. 4 of the Office action. Applicant had previously argued (Amendment of May 20, 2010, page 10, line 1) that the joint member 15 of Ogawa ‘210 corresponds most closely to the coil separating member recited in the present claims, and not to the stretch suppressing member.

In the Response to Arguments in paragraph no. 9 of the Office action, the Examiner responds to Applicant’s argument, again stating that the joint member 15 of Ogawa “can be considered to be a stretch suppressing member.”

However, if joint member 15 of Ogawa is assigned as the “stretch suppressing member” of the present claims, then the Examiner has **not pointed out any element in Ogawa** corresponding to the “coil separating member.” That is, each of claim 1 and claim 11 requires **both** a “coil separating member” and a “stretch suppressing member” as separate elements. This may be seen in Fig. 1, where the coil separating member is reference numeral 12, and the stretch suppressing member is reference numeral 15.

The **Examiner has not pointed out two elements in Ogawa** corresponding to these two elements in claim 1, and Applicant submits that there are not two elements in Ogawa corresponding to these two elements of claim 1. In particular, there is no stretch suppressing member in Ogawa.

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Applicant maintains that joint member 15 of Ogawa is a member to connect separably a guide wire and an implanted device (see Ogawa at column 8, lines 2 to 15). That is, it is designed to be melted and severed. As such it most closely corresponds to the coil separating member of claim 1 (see specification at [0049], as published).

Applicant again submits that there is no “stretch suppressing member” in Ogawa. The stretch suppressing member of claim 1 “enters space between adjacent wire turns of the coil main body as a result of swelling.”

As shown in Figs. 2 and 3 of Ogawa, a swelled portion of the joint member 15 is only a portion indicated as L. The portion indicated as L is not a space between wires (a portion 16A) adjacent to an implanted device 16. That is, the portion indicated as L is a space between a coil-like tip end 14 of a guide wire 10 and the implanted device 16. Accordingly, the implanted device 16 of Ogawa corresponds to the coil main body of the present invention. The guide wire of Ogawa is not in-vivo indwelled.

Portions of 15A and 15B of a joint member 15 of Ogawa are fixed to an implanted device 16 by using adhesives (please see column 6, lines 50 to 67). Accordingly, as a result of swelling, it is not possible that 15A and 15B of the joint member 15 are inserted between wires adjacent to the implanted device 16 (a portion of 16A), or between wires adjacent to a coil shaped end tip 14 of a guide wire 10. As shown in Figs. 2 and 3, it is also clear from the fact that portions of 16A and 14 provided with 15A and 15B of the joint member 15 are not changed, although a portion L of the joint member 15 is swelled.

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Therefore, there is no disclosure in Ogawa of a stretch suppressing member, and claims 1, 2, 4-5 and 11-12 are not anticipated by Ogawa et al. (U.S. Pat. No. 5,846,210).

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ogawa et al. (U.S. Pat. No.: 5,846,210). (Office action paragraph no. 8)

The rejection of claim 3 is respectfully traversed, and reconsideration is requested.

The Examiner cites Ogawa as above, and states that the numerical limitations of claim 3 are only design choices and would have been obvious.

However, as argued above, Ogawa does not disclose the structural limitations of claim 1. In particular, Ogawa clearly discloses joint member 15 as a joint that can be melted and severed, and there is no suggestion in the reference for a stretch suppressing member.

Claim 3 is therefore not obvious over Ogawa et al. (U.S. Pat. No. 5,846,210).

Regarding new claims 13 and 14

New claim 13 is supported by the disclosure in column [0040] of the US publication of the present invention (US 2006/0217758A1).

New claim 14 is supported by the disclosure in column [0031] and Fig. 1 of the US publication of the present invention (US 2006/0217758A1). Claim 14 recites an embodiment wherein the stretch suppressing member is not disposed to extend over the entire region of the coil main body.

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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosure: Petition for Extension of Time

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